



Signature Report

December 1, 2009

R&R

Proposed No. BOH09-07.1

1 A RULE AND REGULATION for the protection of the
2 public health against diseases and injury from pet shops
3 and pet food retail businesses, and establishing pet shop
4 and pet food retail business permit requirements; amending
5 R&R 06-01, Section 2, and BOH 8.01.020 and R&R 06-01,
6 Section 5, and BOH 8.01.030, adding a new chapter to
7 BOH Title 8 and amending the Seattle Health Code as
8 codified in chapters 10.03 and 10.72 of the Seattle
9 Municipal Code, adopted by the metropolitan King County
10 council pursuant to Ordinance 12098, Section 3; enacted
11 pursuant to RCW 70.05.060, including the latest
12 amendments or revisions thereto.

13
14 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

15 SECTION 1. R&R 06-01, Section 2, and BOH 8.01.020 are each hereby
16 amended to read as follows:

17 **Purpose and policy.** A. Authority is established under RCW ((€))chapter
18 70.05 for the control and prevention of zoonotic disease. This title is enacted as an
19 exercise of the Board of Health powers of King County to protect and preserve the public
20 peace, health, safety and welfare. Its provisions shall be liberally construed for the
21 accomplishment of these purposes. This title governs the prevention of zoonotic disease
22 and includes rabies control ~~((and))~~, rodent control and provisions for pet shops,
23 commercial kennels, pet daycare facilities, animal shelters, pet grooming services and pet
24 food retail businesses.

25 B. ~~((It is expressly the purpose of this title to provide for and promote the peace,~~
26 ~~health, safety and welfare of the general public, and not))~~ Nothing in this title is intended
27 to or shall be construed to create or otherwise establish or designate any particular class
28 or group of persons who will or should be especially protected or benefited by the terms
29 of this title.

30 C. Nothing contained in this title is intended to be or shall be construed to create
31 or form the basis for any liability on the part of King County, or its officers, employees or
32 agents, for any injury or damage resulting from the failure of any person subject to this
33 title to comply with this title, or by reason or in consequence of any act or omission in
34 connection with the implementation or enforcement of this title on the part of King
35 County by its officers, employees or agents.

36 SECTION 2. R&R 06-01, Section 5, and BOH 8.01.030 are each hereby
37 amended to read as follows:

38 **Definitions.** The definitions in this section apply throughout this title unless the
39 context clearly requires otherwise.

40 A. (~~Director.~~) "Director" means the director of the Seattle-King County
41 Department of Public Health or the director's duly authorized representative.

42 B. "Immediate and irreparable health hazard" means a finding by the director that
43 a significant threat or danger to health exists based on evidence that a product, practice,
44 circumstance, or event creates a situation that requires immediate correction or cessation
45 of operation to prevent injury based on:

46 1. A lack of water preventing adequate handwashing, equipment cleaning or
47 sanitizing;

48 2. An emergency situation caused by accident or natural disaster, such as fire,
49 flood or building collapse;

50 3. A misuse of poisonous or toxic materials;

51 4. A gross unsanitary occurrence or condition, such as a sewage backup or
52 sewage contamination within an establishment or premises regulated under this title;

53 5. An occurrence of an outbreak of zoonotic illness linked to an establishment
54 or premises regulated under this title; or

55 6. Other circumstance that may endanger public health.

56 C. (~~Vector.~~) "Vector" means an organism capable of transmitting a pathogen,
57 and includes insects and rodents.

58 (~~C. Zoonotic disease or zoonosis.~~) D. "Zoonotic disease" or "zoonosis" means
59 a disease or infection communicable from vertebrate animals to humans, including any
60 such disease transmitted by intermediate insect vectors such as mosquitoes, fleas(~~(s)~~) or
61 ticks.

62 SECTION 3. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
63 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of this rule should
64 constitute a new chapter on pet shops and pet food retail businesses in BOH Title 8.

65 NEW SECTION. SECTION 4. Citation. This chapter may be cited and referred
66 to, and shall be known as, the "King County Board of Health Pet Shop and Pet Food
67 Retail Business Regulations."

68 NEW SECTION. SECTION 5. Purpose and scope of chapter. A. This chapter
69 governs the protection of human health and safety against the spread of dangerous,
70 contagious, or infectious diseases by animals in pet shops or by pet foods or products sold
71 in pet food retail businesses which may contain harmful pathogens or toxins.

72 B. It is the specific intent of this chapter to place the obligation of complying
73 with its requirements upon owners and operators of pet shops and pet food retail
74 businesses, and other persons designated by this chapter within its scope, and no
75 provision of nor term used in this chapter is intended to impose any duty whatsoever
76 upon King County or any of its officers or employees, for whom the implementation or
77 enforcement of this chapter shall be discretionary and not mandatory.

78 NEW SECTION. SECTION 6. Relationship of chapter to other laws, rules
79 and regulations. A. In addition to the control and prevention of zoonotic disease, and in
80 recognition of the public policy of the county to protect animal and human health and
81 safety and prevent cruelty to animal life, it is the intent of this chapter to promote the
82 health, safety and well-being of animals kept, housed or cared for in pet shops, and to
83 promote disease prevention standards for pet foods or products sold in pet food retail
84 businesses.

85 B. Nothing in this chapter shall affect the obligation of any owner or operator of
86 any pet shop or pet food retail business, or the owner or keeper of any pet animal, to
87 comply with other applicable laws, rules and regulations, including but not limited to
88 those governing animal care and control, building, zoning or environmental standards.

89 NEW SECTION. SECTION 7. Definitions. The definitions in this section apply
90 throughout this chapter unless the context clearly requires otherwise:

91 A. "Animal" means any living creature except *Homo sapiens*, insects and worms.

92 B. "Animal shelter" means a facility used to house or contain and offer or
93 distribute for adoption as pets any stray, homeless, abandoned or unwanted animals other
94 than livestock and that is owned, operated or maintained by a public body, an established
95 humane society, animal welfare society, society for the prevention of cruelty to animals
96 or other nonprofit organization, or by a person or persons devoted to the welfare,
97 protection and humane treatment of animals. "Animal shelter" includes "satellite pet
98 adoption facility," but does not include pet adoption services performed at an animal
99 shelter or satellite pet adoption facility not more than a total of twenty-one days per
100 calendar year.

101 C. "Aquarium" means any establishment, store, or department of any store that
102 acquires, through purchase, consignment, donation, importation or breeding live fish,
103 corals, aquatic amphibians and/or invertebrates, but no other types of pets, and sells or
104 offers to sell, adopt, or trade the live animals to the public or retail outlets.

105 D. "Aquarium stock" means live fish, live corals, aquatic amphibians, and aquatic
106 invertebrates.

E. "Board" means the provision of shelter and food to pet animals by an entity other than the pet's owner and at a location separate from the owner's residence.

F. "Carapace" means a hard bony outer covering, such as the fused dorsal plates or shell of a turtle.

G. "Establishment" or "facility" means those portions of any building, yard, pen, or other area at a single location in which any animals are kept or transported for the purpose of adoption, breeding, boarding, day care, grooming, selling, sheltering, trading or otherwise handling animals, or in which a pet food retail business is located.

H. "Livestock" means farm animals raised for food or fiber production or kept for recreational purposes, including but not limited to horses, donkeys, mules, cattle, sheep, llamas, alpacas, goats, and swine, but excluding birds, Vietnamese, Chinese or Asian pot-bellied pigs, and miniature breeds of livestock kept primarily as pets.

I. "Operator" or "person in charge" means the individual present at a pet shop or pet food retail business who is responsible for the operation of the facility and, as applicable, the care and welfare of the animals present.

J. "Owner" means a person either owning or otherwise responsible for the operation of a pet shop or pet food retail business.

K. "Pet" means a nonlivestock animal kept by a private individual for pleasure or companionship.

L. "Pet food retail business" or "pet food retailer" means a _____

_____.

130 M.1. "Pet shop" means any establishment, store or department of any store that
131 acquires, through purchase, consignment, donation, importation or breeding, live animals
132 including birds, reptiles, amphibians, fish or poultry but excluding livestock, and sells or
133 offers to sell, adopt or trade the live animals to the public or to retail outlets.

134 2. "Pet shop" does not include the hobby breeding of animals at or adjoining a
135 private residence provided the maximum number of animals permitted on the premises
136 under local zoning or other applicable ordinances is not exceeded, and also does not
137 include animal shelters.

138 N. "Poultry" means all domesticated fowl and all game birds which are legally
139 held in captivity.

140 O. "Psittacine bird" means all birds commonly known as parrots, macaws,
141 cockatoos, cockatiels, lovebirds, parakeets, and all other birds of the order psittaciformes.

142 P. "Water resistant" means that which repels water. The following materials and
143 substances shall be considered water resistant: painted or sealed wood surfaces, sealed
144 concrete, sealed concrete blocks, stainless steel, vinyl flooring, glass, treated or sealed
145 paneling, fiberglass, tile, tile blocks and other materials approved by the director on a
146 case by case basis after finding that the material is water resistant.

147 NEW SECTION. SECTION 8. Pet shop facility construction and equipment
148 **standards.** The pet shop owner or operator shall at all times maintain the pet shop in
149 compliance with the following standards:

150 A. Ensure that buildings are of adequate structure, maintained in good repair, and
151 secured in order to protect animals from injury or escape and restrict the unauthorized
152 entry of animals from outside;

153 B. Construct all floors and walls of readily cleanable and water resistant material
154 in rooms, pens and cages used to retain animals and in areas where animals are handled,
155 bathed or treated, and maintain all such rooms, pens, cages and areas in good repair;

156 C. Maintain hot and cold running water conveniently available at all times, and
157 provide a sink or tub of sufficient size for washing of equipment and utensils used in the
158 pet shop, including washing and sanitizing of dishes, bowls, and other food and water
159 containers and utensils used for feeding of animals;

160 D. Provide toilet and handwashing facilities with hot and cold running water;

161 E. Ensure that food and water containers and utensils used for mixing of food and
162 feeding of animals are constructed of metal or other water impervious material that is
163 readily cleanable and kept in good condition;

164 F. Provide and maintain refrigeration at forty-one degrees Fahrenheit, or five
165 degrees Celsius, or lower for the protection of perishable foods;

166 G. Store and prepare separately from pet food and pet medications any
167 medications, food, and beverages intended for human consumption;

168 H. Store cleaning products and disinfectants securely in areas inaccessible to
169 animals kept at the facility;

170 I. Provide an adequately ventilated isolation area physically separated from the
171 rest of the animals for segregation of pets that become sick, are injured, or are suspected
172 of having a contagious disease; and

173 J. Dispose of excreta, dead animals, soiled litter, bedding, waste water and other
174 materials by sanitary means in accordance with applicable laws, rules and ordinances.

175 NEW SECTION. NEW SECTION 9. Pet shop primary animal enclosure
176 **requirements.** The pet shop owner or operator shall at all times maintain primary animal
177 enclosures including cages, pens, runs, tanks and habitats in compliance with the
178 following standards:

179 A. Provide and maintain primary enclosures of sufficient size to allow each pet
180 animal to turn around, exercise normal postural movements, experience or avoid
181 socialization with cage mates, and avoid overcrowding;

182 B. Maintain primary animal enclosures in good condition and repair to protect
183 animals from injury, to contain them, to prevent entry of predators, and to allow animals
184 to stay clean and dry, except for aquatic species;

185 C. Ensure that primary animal enclosures are constructed of materials that are
186 water resistant and can be readily cleaned and disinfected;

187 D. If wire or slatted flooring is used, ensure that it is constructed to prevent injury
188 to animals' feet and legs. Use wire mesh or slats of adequate gauge or size to prevent
189 sagging under the animals' weight and small enough to prevent the animals' feet from
190 passing through. Ensure that the floor or other surface under wire bottom cages where
191 animal wastes fall are made of a water resistant material that can be readily cleaned and
192 disinfected. When the primary flooring is wire mesh or a slatted material, provide solid
193 resting surfaces according to the needs of the species;

194 E. Maintain primary animal enclosures in a clean and sanitary condition; and

195 F. Cedar shavings may not be used for bedding or litter material for rodents,
196 rabbits, chinchillas, ferrets or reptiles.

197 NEW SECTION. SECTION 10. Pet shop sanitation standards. The pet shop
198 owner or operator shall at all times maintain the pet shop in compliance with the
199 following sanitation standards:

200 A. Maintain all areas where equipment, supplies, and food for animals are stored
201 in a clean and sanitary condition and free from insects and rodents;

202 B. Store equipment on the premises in a sanitary and orderly manner;

203 C. Maintain in a clean and sanitary condition and routinely disinfect all cages,
204 pens, runs, tanks, habitats and other animal housing in accordance with the pet shop's
205 infection control plan; and

206 D. In order to avoid creating aerosols or airborne dust that can spread pathogens,
207 shop vacuums or vacuum cleaners may not be used to remove bedding and debris from
208 animal, reptile or bird cages.

209 NEW SECTION. SECTION 11. Pet shop animal health, care, and disease
210 **prevention standards.** The pet shop owner or operator shall at all times maintain the pet
211 shop in compliance with the following animal care and feeding standards:

212 A. Provide proper food and potable water to the animals, according to the needs
213 of the species;

214 B. Remove from display and sale animals with potentially infectious disease or
215 significant injury, and isolate them from animals appearing healthy and normal. Keep
216 potentially infectious animals in isolation quarters with adequate ventilation and care to
217 keep from exposing customers or other animals at the establishment;

218 C. No pet shop owner or operator may knowingly sell or otherwise transfer a
219 potentially infectious or injured animal or an animal with signs of external parasites

220 without notifying the person acquiring the animal of the illness, injury or condition of the
221 animal;

222 D. The pet shop owner or operator may not offer for sale, trade or adoption any
223 juvenile or adult dog, cat or ferret that has not received all required immunizations or that
224 has not been treated for internal and external parasites in accordance with the
225 recommendations of the pet shop's consulting veterinarian;

226 E. At all times that any pet shop is open to the public, the owner or operator shall
227 ensure a person in charge is present at the establishment and responsible for the pets held
228 for sale or display. The person in charge, or other employee under the supervision of the
229 person in charge, shall feed, water and perform necessary cleaning on all days the pet
230 shop is closed to the public, or as may be required by the director; and

231 F. The owner or operator shall at all times maintain any animals on the premises
232 of the pet shop for the purposes of boarding, grooming, daycare or animal shelter
233 adoptions physically separated from all sick animals and animals offered for sale.

234 **NEW SECTION. SECTION 12. Pet shop infection control plan requirements.**

235 A. The pet shop owner or operator shall develop and maintain a written basic
236 infection control plan, reviewed by the director, specifying: the schedule for cleaning
237 and disinfection of cages, surfaces and equipment; proper methods for handling and
238 disposal of soiled animal bedding, litter, and wastes; disinfectants to be used; and
239 personal protective measures, including, but not limited to, gloves and handwashing, to
240 be used by employees. The owner or operator shall ensure the plan identifies a licensed
241 veterinarian or veterinary practice that is routinely consulted or available for consultation

on animal health, disease prevention, immunization and parasite control and includes contact information for the director's duly authorized representatives.

B. The director is authorized to review the infection control plan and approve or disapprove the plan during regular inspections of the pet shop.

C. The director is authorized to provide assistance to the pet shop owner or operator in developing the basic infection control plan. For example, the director may provide the owner or operator a model or sample plan free of charge.

NEW SECTION. SECTION 13. Pet information at time of purchase – general. The pet shop owner or operator shall make available to each retail pet purchaser or adopter, other than purchasers of fish, live aquarium stock or of rodents intended as food for other animals, a written hard copy or web-based basic information, provided free of charge by or approved by the director, about prevention of diseases that may be communicable from the purchased or adopted animal to humans.

NEW SECTION. SECTION 14. Salmonella – Measures to prevent human disease acquired from reptiles and amphibians.

A. The owner or operator of any pet shop offering reptiles or amphibians for sale shall post a clearly visible sign, in the area of the shop displaying these animals, containing information about the risk to humans of contracting *Salmonella* bacterial infections from reptiles and amphibians and a statement advising that these animals are unsuitable as pets in households with children under the age of five years, or immunocompromised persons, in accordance with the recommendations of the federal Centers for Disease Control and Prevention as set forth by the National Center for Infectious Disease's Pet-Scripton series, as amended. The director is authorized to

265 establish reasonable guidelines for the size, location and contents of the sign consistent
266 with the requirements of this section. The pet shop owner or operator may obtain a sign
267 free of charge from the director, or use a sign approved by the director as meeting the
268 requirements of this section.

269 B. The pet shop owner or operator may not sell, hold, offer for sale, or otherwise
270 distribute live turtles with a carapace length of less than four inches for the purposes of
271 being kept as a pet.

272 NEW SECTION. SECTION 15. **Salmonella – measures to prevent human**
273 **disease acquired from poultry.** The owner or operator of any pet shop offering poultry
274 for sale shall post a clearly visible sign, in the area of the shop displaying these animals,
275 containing information about the risk to humans of contracting *Salmonella* bacterial
276 infections from poultry. The director is authorized to establish reasonable guidelines for
277 the size, location and contents of the sign consistent with the requirements of this section.
278 The pet shop owner or operator may obtain a sign free of charge from the director, or use
279 a sign approved by the director as meeting the requirements of this section.

280 NEW SECTION. SECTION 16. **Psittacosis – measures to prevent human**
281 **disease acquired from psittacine birds.**

282 A. The owner or operator of any pet shop offering psittacine birds for sale shall
283 post a clearly visible sign, in the area of the shop displaying these birds, containing
284 information about the risk to humans of contracting *Chlamydiophila psittaci* bacterial
285 infections from psittacine birds and the signs of the disease in birds. The director is
286 authorized to establish reasonable guidelines for the size, location and contents of the
287 sign consistent with the requirements of this section. The pet shop owner or operator

may obtain a sign free of charge from the director, or use a sign approved by the director as meeting the requirements of this section.

B. The pet shop owner or operator shall comply with all requirements of WAC 246-100-201, as amended, pertaining to the prevention and control of psittacosis in humans and avian chlamydiosis in birds.

NEW SECTION. SECTION 17. **Rabies vaccination requirement for dogs, cats, or ferrets.** The pet shop owner or operator shall ensure that any dog, cat, or ferret age four months or older is vaccinated against rabies as required under BOH chapter 8.04 before being offered for sale, exchange or adoption. The pet shop owner or operator shall provide the purchaser or adopter of any such animal, at time of purchase, a certificate of rabies vaccination issued by a licensed veterinarian.

NEW SECTION. SECTION 18. **Pet shop handwashing and public animal contact requirements.** The owner or operator of any pet shop allowing patrons to handle pets or poultry offered for sale or adoption shall provide readily accessible public handwashing facilities with hot and cold running water or disinfectant hand wipes or hand sanitizers. The pet shop owner or operator shall notify patrons, by means of conspicuous signage or other methods as approved by the director, to wash their hands after handling any of the animals at the pet shop.

NEW SECTION. SECTION 19. **Pet shop recordkeeping requirements.**

A. The pet shop owner or operator shall maintain written records of each individual or groups of animals purchased or otherwise acquired, except that records are not required for fish or other aquarium stock or feeder rodents. The owner or operator shall include the following information in the written records:

- 311 1. Acquisition date;
- 312 2. Name, address and telephone number of supplier;
- 313 3. Number of animals received;
- 314 4. Animal breed or description;
- 315 5. Tattoo, microchip or bird band number, as applicable; and
- 316 6. Veterinary records, including any vaccinations, medical treatment and
- 317 surgeries performed.

318 B. The pet shop owner or operator shall maintain records of each individual dog,

319 cat and bird, except poultry, sold, adopted, traded, transferred, euthanized or otherwise

320 disposed of, including the following information:

- 321 1. Date of sale or other disposition;
- 322 2. Name, address and telephone number of the purchaser or adopter;
- 323 3. Breed of dog or cat or species of bird;
- 324 4. Description including approximate age, color, and sex, except for birds when
- 325 not determined; and
- 326 5. Tattoo, microchip or bird leg band number, as applicable.

327 C. The pet shop owner or operator shall maintain at the pet shop all written

328 records required by this section for a period of not less than three hundred sixty-five days

329 after the date of sale or transfer of the animal from the pet shop, and make all such

330 records available to the director for examination upon request.

331 NEW SECTION. SECTION 20. Pet shop quarterly reporting requirements.

332 The owner or operator of any pet shop offering dogs or cats shall provide a list to the

333 director, quarterly based on the calendar year, of all dogs and cats sold, adopted, traded,

transferred or otherwise disposed of, including those dying or euthanized. The owner or operator shall include on each list, as applicable, the sale, adoption, trade, transfer or death of each dog or cat, the date of sale, adoption, trade, transfer or death, the age and breed or type of dog or cat, and the names and addresses of all persons to whom any dogs or cats were sold, adopted, traded or transferred.

NEW SECTION. SECTION 21. Pet shop reporting of animal bites and disease outbreaks. Immediately upon receiving notice of the occurrence or outbreak, the pet shop owner or operator shall report to the director any occurrence of an animal biting a human at the pet shop, or any known or suspected infectious disease that may be transmissible from animals to humans in any animal offered for sale or otherwise kept on the premises, in accordance with chapter 246-101 WAC, as amended.

NEW SECTION. SECTION 22. Pet food retail business information requirements. _____

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NEW SECTION. SECTION 23. Pet food retail business equipment standards for storage of raw or unprocessed animal-derived pet foods or pet treats requiring refrigeration or freezing to prevent spoilage. _____

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356 NEW SECTION. SECTION 24. Pet food retail business sanitation standards.

357 The pet food retail business owner or operator shall:

358 _____

359 _____

360 _____

361 _____

362 NEW SECTION. SECTION 25. Immediate and irreparable health hazard –

363 **Ceasing operations and reporting.** The pet shop or pet food retail business owner or

364 operator shall immediately discontinue operations and notify the director if an immediate

365 and irreparable health hazard may exist because of an emergency such as fire, flood,

366 extended interruption of electrical or water service, sewage backup, misuse of poisonous

367 or toxic materials, onset of an apparent zoonotic disease outbreak, gross insanitary

368 occurrence or condition or other circumstance that may endanger public health, except

369 that the pet shop or pet food retail business owner or operator is not required to

370 discontinue operations in an area of an establishment that is unaffected by the immediate

371 and irreparable health hazard.

372 NEW SECTION. SECTION 26. Variance.

373 A. The director may grant a variance to the pet shop or pet food retail business

374 owner or operator by modifying or waiving the requirements of this chapter if in the

375 opinion of the director a health hazard will not result from the variance. The applicant

376 for a variance shall submit application in writing and shall include:

377 1. A statement of the proposed variance of the code requirement citing relevant

378 code section numbers; and

379 2. A statement of the rationale for how the potential public health hazards
380 addressed by the relevant code sections will be alternatively addressed by the proposal,
381 and shall include documentation or other relevant evidence in support of the rationale.

382 B. Any variance granted or denied by the director shall be in writing and shall
383 include:

384 1. A statement of the proposed variance of the code requirement citing relevant
385 code section numbers;

386 2. An analysis of the rationale and evidence for how the potential public health
387 hazards addressed by the relevant code sections will or will not be alternatively
388 addressed, as applicable, by the proposal; and

389 3. As applicable, any conditions or other requirements the director determines
390 necessary so that the relevant code sections waived or modified will be alternatively
391 addressed in order to protect the public against a health hazard.

392 C. A pet shop or pet food retail business owner may appeal a variance denial by
393 submitting a written appeal request to the director within ten business days of the date of
394 service of the director's written variance denial decision. The director is authorized, after
395 an appeal conference, to issue a final variance decision to affirm, modify, or withdraw the
396 initial variance decision. The final variance decision shall be in writing, contain findings
397 and conclusions, and be issued by a director designee other than the director designee
398 who made the initial variance decision.

399 NEW SECTION. SECTION 27. Permit requirement.

400 A. It is unlawful to maintain or operate a pet shop or pet food retail business
401 without a valid pet shop or pet food retail business operating permit issued by the

402 director. Each permit is valid only for the location or establishment and owner for which
403 it is issued. A separate permit shall be obtained for each separate pet shop or pet food
404 retail business establishment or location. Veterinarians shall obtain the required licenses
405 for any service other than one which by law may be performed only by a veterinarian.
406 However, no such a license shall be required for the veterinarian's possession of animals
407 solely for the purposes of veterinary care.

408 B. The director shall designate each pet shop as either a Risk Category 1 or Risk
409 Category 2 pet shop based on the following categories of animals or other items offered
410 for trade, transfer, adoption or sale:

411 1. Risk Category 1:

412 a. Aquariums, with no other non-aquatic animals offered for trade, transfer,
413 adoption or sale; or

414 b. Baby poultry offered for trade, transfer, adoption or sale for not more than
415 120 consecutive days and not more than a total of one hundred twenty days within any
416 twelve month period, with no other animals offered for trade, transfer, adoption or sale;
417 and

418 2. Risk Category 2: All animal trades, transfers, adoptions or sales not
419 qualifying as Risk Category 1 pet shop operation, excluding animal shelters.

420 C. Except as otherwise provided in this chapter, each pet shop or pet food retail
421 business operating permit is an annual permit and shall expire on the date established by
422 the director.

423 D. Permits remain the property of the director. The pet shop or pet food retail
424 business owner or operator shall display each permit issued pursuant to this chapter

conspicuously in the pet shop or pet food retail business for which it is issued unless the permit is expired or is suspended or revoked. Any expired, suspended or revoked permit is subject to removal by the director.

NEW SECTION. SECTION 28. Plan review application process.

A. A pet shop permit applicant or permit holder shall submit to the director a plan review application, including completed plans and specifications, before a pet shop is constructed, an existing structure is converted for use as a pet shop, or an existing pet shop is remodeled and the director determines that review of plans and specifications is necessary to ensure compliance with this chapter.

B. The applicant or permit holder shall submit the plan review application at least thirty days before the date planned for opening the pet shop, unless a different period is approved by the director.

C. The pet shop owner or operator shall include the following information in the plans and specifications:

1. Types of animals kept and sold, including types and quantities of foods stored and provided for the animals;

2. Proposed indoor and outdoor facility layout, including mechanical equipment, heating, lighting, plumbing, provisions for isolation room or area, and construction schedule;

3. Description of and types of material used for walls, floors, fencing, kennels, runs, animal enclosures, sinks and drains and dimensions of any animal enclosures;

4. Description of types of waste disposal, including dead animals, sewage disposal and indoor and outdoor animal waste disposal;

448 5. Other information the director may require for review of the proposed
449 construction, conversion or remodeling to ensure compliance with this chapter.

450 NEW SECTION. SECTION 29. Permit application process.

451 A. The pet shop or pet food retail business owner or operator shall submit a
452 permit application in writing, on a form provided by the director, at least thirty calendar
453 days before the date planned for opening a pet shop or pet food retail business, or the
454 expiration date of the current permit for an existing facility unless a different period is
455 approved by the director. The application shall include:

456 1. The name, mailing address, telephone number and signature of the person
457 applying for the permit, and the name, mailing address, telephone number, and location
458 of the pet shop or pet food retail business;

459 2. The name, mailing address and telephone number of: the legal owner of the
460 pet shop or pet food retail business, whether it be an association, corporation, individual,
461 partnership or other legal entity; and the local resident agent if one is required based on
462 the type of legal ownership;

463 3. For a new pet shop or change of ownership, a written basic infection control
464 plan as required by this chapter;

465 4. For a new pet shop or change of ownership, information specifying the types
466 of animals to be offered for sale, exchange, or adoption, and whether the pet shop will
467 offer for sale uncooked or partially cooked animal-derived pet foods or pet treats;

468 5. A statement signed by the applicant that attests to the accuracy of the
469 information provided in the application and affirms that the applicant will comply with
470 this code; and

471 6. Other information required by the director to ensure compliance with this
472 chapter.

473 B. The applicant shall ensure that the proposed pet shop or pet shop retail
474 business location, use and structure or structures are consistent with applicable building,
475 plumbing, zoning, land use and environmental laws.

476 C. The applicant shall pay the applicable permit and plan review fees at the time
477 the application is submitted.

478 D. Before issuing an operating permit for a new, converted, or remodeled pet
479 shop, the director shall inspect the proposed premises. The director shall deny the permit
480 application if the director finds the premises to be unsanitary, unsuitable for sanitary use
481 as a pet shop, or otherwise to adversely affect the health, safety or welfare of the public.

482 E. The director may issue a new or renewal permit to the applicant or may issue a
483 permit to a new owner of an existing pet shop or pet food retail business after a properly
484 completed application is submitted, all outstanding fees are paid, the application is
485 reviewed and approved and the director has determined the pet shop or pet food retail
486 business to be in compliance with the requirements of this code.

487 F. The director may deny the permit application if the applicant has any
488 outstanding monies owed to the Seattle-King County Department of Public Health for
489 permit fees, late fees, checks returned by the bank, civil penalties, or other miscellaneous
490 fees.

491 G. If an application for a permit to operate is denied, the director shall provide
492 the applicant with a notice that includes:

493 1. The specific reasons and code citations for the permit denial; and

494 2. The actions, if any, that the applicant must take to qualify for a permit or to
495 re-submit a permit application.

496 NEW SECTION. SECTION 30. Inspections. A. After presenting identification
497 credentials, the director is authorized to enter and conduct inspections of any pet shop or
498 pet food retail business during normal business hours, hours of operation and other
499 reasonable times to determine compliance with and enforce the requirements of this code,
500 including the conditions of a permit or variance. The pet shop or pet food retail business
501 owner or operator shall allow the director to enter and inspect the establishment, and the
502 establishment's records required to be maintained under this chapter, to determine
503 compliance with and enforce the requirements of this code, including the conditions of a
504 permit or variance. The director is also authorized to enter any pet shop or pet food retail
505 business for the purpose of providing information and education to facility personnel,
506 including written materials and consultation on good sanitation practices and methods to
507 prevent the spread of zoonotic disease.

508 B. The director shall document on an inspection form:

509 1. Administrative information about the pet shop or pet food retail business
510 name, location, name of owner or person in charge, inspection date, and permit status;

511 2. The director's inspection findings, including factual observations of
512 violations, nonconformance with this code, or other substandard conditions that require
513 correction by the permit holder;

514 3. Failure of any owner, operator or employee of the pet shop or pet food retail
515 business to allow the director access to the premises, or to the facility's records, for
516 purposes of determining compliance with and enforcing the requirements of this code;

517 4. Notification requiring correction of any violations, including the time frame
518 for completing the corrections;

519 5. Notification that an opportunity for an office conference to review the
520 inspection findings will be provided if a written appeal of the inspection report is
521 submitted within ten days following the date of the inspection; and

522 6. Other information the director deems necessary to include on the inspection
523 report.

524 C. At the conclusion of the inspection, the director shall furnish the owner,
525 operator, or person in charge of the pet shop or pet food retail business a duplicate of the
526 completed inspection report. The completed inspection report is subject to public
527 disclosure in accordance with the requirements of chapter 42.56 RCW, as amended.

528 D. The director shall inspect a pet shop or pet food retail business during its
529 permit period, unless the director develops a written risk-based plan that establishes an
530 alternative inspection period for certain categories of facilities that is uniformly applied
531 throughout the county.

532 NEW SECTION. SECTION 31. Compliance methods. The director may
533 initiate any one, or a combination of, compliance methods that include, but are not
534 limited to:

535 A. Issuing a notice of closure in accordance with this chapter;

536 B. Suspending or revoking the pet shop or pet food retail business permit in
537 accordance with BOH chapter 1.08;

538 C. Holding an administrative conference with the pet shop or pet food retail
539 business permit holder or person in charge;

D. Placing the pet shop or pet food retail business on probation and setting conditions for continued operation of the facility, by the permit holder, during the probation period;

E. Requiring additional education or training of owners, operators, and employees of the pet shop or pet food retail business; or

F. Reporting inspection findings to the appropriate animal control or welfare authority for the jurisdiction.

NEW SECTION. SECTION 32. Permit suspension.

A. The director may suspend any permit to operate a pet shop or pet food retail business if:

1. Continued operation of the pet shop or pet food retail business constitutes an immediate and irreparable health hazard;

2. Operations, facilities or equipment in the pet shop or pet food retail business fail to comply with this title;

3. The permit holder does not comply with this title;

4. Interference with the director in the performance of his or her duties has occurred; or

5. The owner or operator does not comply with the conditions of a variance.

B. When the director has suspended a pet shop or pet food retail business permit, the director shall notify the facility owner or operator in writing that:

1. The pet shop or pet food retail business permit is immediately suspended upon service of the notice;

2. The pet shop owner or operator must immediately cease all facility operations or the pet food retailer must cease all pet food retail operations until the director finds, after reinspection or after a hearing with the owner or operator, that the pet shop or pet food retail business is in compliance with this title;

3. The pet shop or pet food retail business owner or operator may request a hearing by filing a written request for a hearing with the director within ten days after receipt of the notice of suspension; and

4. The suspension is sustained if a written request for a hearing is not timely submitted.

C. Any person whose pet shop or pet food retail business permit has been suspended may at any time apply in writing for a reinspection for the purpose of reinstatement of the permit. The application shall include a signed statement explaining how the conditions causing the suspension of the permit have been corrected.

D. Within two working days after receipt of a written request for reinspection, the director shall reinspect the pet shop or pet food retail business and reinstate the permit if the director finds that the facility has been brought into compliance with this title.

NEW SECTION. SECTION 33. Permit revocation. A. The director may revoke a pet shop or pet food retail business permit after providing the permit holder an opportunity for a hearing if:

1. Serious and repeated violation or violations of any requirements of this title have occurred; or

2. Repeated interference with or assault upon the director in the performance of his or her duties has occurred.

585 B. Before revocation, the director shall notify the permit holder in writing of the
586 specific reason or reasons why the permit is to be revoked. The notice shall state:

587 1. That the permit shall be revoked at the end of the ten days following the
588 notice unless a written request for a hearing is filed with the director by the permit holder
589 within the ten-day period; and

590 2. If a request for a hearing is not filed by the permit holder within the ten-day
591 period, the revocation of the permit becomes final.

592 C. Any person whose pet shop or pet food retail business permit has been
593 revoked may, after a period of six months after the revocation, apply in writing for a new
594 permit and request a hearing with the director to determine whether a new permit will be
595 issued.

596 NEW SECTION. SECTION 34. Closure.

597 A. The director may issue a notice of closure to a pet shop or pet food retail
598 business requiring the owner or operator to cease operation within ten days after issuance
599 of the notice of closure if the owner or operator has:

600 1. Failed to submit plans or receive approval from the director of plans as
601 required by this chapter, or an inspection indicates construction or renovation at the pet
602 shop is not in substantial compliance with plans approved by the director;

603 2. Failed to submit a permit application or receive the director's approval of a
604 permit application for a pet shop or pet food retail business; or

605 3. Failed to pay a permit fee or any other applicable fee required by this code.

606 B. The notice of closure shall state:

607 1. In the case of a pet shop, that the pet shop shall close and discontinue all sale
608 or distribution of animals from the pet shop within ten days after issuance of the notice of
609 closure to an owner or operator;

610 2. In the case of a pet food retail business, that the pet food retailer shall close
611 and discontinue all pet food retail operations within ten days after issuance of the notice
612 of closure to an owner or operator;

613 3. The reason or reasons for the closure order; and

614 4. That the owner or operator may request reconsideration of the closure order
615 by filing a written request with the director within ten days after delivery of the notice of
616 closure.

617 C. After receiving a request for reconsideration of a closure order, the director
618 may conduct an office conference at a time and place designated by the director. As a
619 result of information presented at the office conference, the director may issue a final
620 order affirming, modifying or revoking the director's closure order and furnish a written
621 report of the director's decision to the pet shop owner or operator. The owner or operator
622 may appeal the director's final order to the King County hearing examiner in accordance
623 with K.C.C. chapter 20.24.

624 NEW SECTION. SECTION 35. Immediate closure for imminent and
625 **substantial dangers.** Notwithstanding any other provision of this chapter, the director
626 may order immediate closure of a pet shop or pet food retail business to prevent an
627 imminent and substantial danger to the public health by any zoonotic disease.

628 NEW SECTION. SECTION 36. Enforcement and rulemaking authority. In
629 addition to or as an alternative to the other compliance methods of this chapter, the

630 director is authorized to enforce this chapter in accordance with BOH chapter 1.08 and to
631 adopt rules consistent with this chapter for the purpose of carrying out and enforcing its
632 provisions. The director is also authorized to request the assistance of the appropriate
633 animal control or law enforcement authority in carrying out and enforcing this chapter,
634 and to report animal abuse, cruelty or neglect to the animal control or law enforcement
635 authority.

636 NEW SECTION. SECTION 37. Violation. It is unlawful for any owner,
637 operator, or employee of a pet shop or pet food retail business to fail to comply with the
638 requirements of this chapter or any order of the director issued to carry out or enforce the
639 requirements of this chapter.

640 SECTION 38. That portion of the Seattle Health Code, as codified in Seattle
641 Municipal Code sections 10.03.170, 10.72.010, 10.72.020, 10.72.030 and 10.72.040, in
642 their entirety, adopted by the metropolitan King County Council pursuant to Ordinance
643 12098, Section 3, is hereby repealed.

644 SECTION 39. Severability. If any provision of this rule or its application to any
645 person or circumstance is held invalid, the remainder of the rule or the application of the

646 provision to other persons or circumstances is not affected.

647 SECTION 40. **Effective date.** This rule takes effect March 1, 2010.

648

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

Attachments None